

July 10, 2000

VIA ELECTRONIC TRANSMISSION AND U.S. MAIL

Ms. Sherry Green
Office of Site Remediation Enforcement
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

RE: Potential EPA Guidance on "Reasonable Care" under the Superfund
Recycling Equity Act

Dear Ms. Green:

These comments are submitted on behalf of the Secondary Metals Processing
Division of Commercial Metals Company.

Commercial Metals Company and its subsidiaries manufacture, recycle, and
market steel and metal products and related materials through a network of
over 120 locations. The Secondary Metals Processing Division of Commercial
Metals Company recycles ferrous and non-ferrous secondary metals at over 30
locations across the "sunbelt" of the United States.

The EPA is considering the issuance of guidance on what constitutes
"reasonable care" under sections 127(c)(5)&(6) of the Superfund Recycling
Equity Act ("Act").

Commercial Metals Company believes that the issuance of such guidance may be
helpful to the members of the Secondary Metals Recycling Industry in the
United States. We would, however, urge the EPA to be cautious in its
issuance of such guidance to assure that such guidance is both consistent
with the legislative intent of the Act and helpful -- not harmful -- to
recyclers.

The recycling of secondary metals is a global industry. There are many
types of transactions under which secondary metals are purchased and sold.
While each type of transaction may be thoroughly legitimate, the type of
transaction employed by the parties involved depends to a large extent upon
numerous variables such as the quality and quantity of the materials being
recycled as well as the locations of sellers and buyers of those materials.
Consequently, prescriptive solutions that may be beneficial for one type of

transaction may be equally detrimental in another.

The Secondary Metals Processing Division of Commercial Metals Company sells
scrap metal to approximately 300 different domestic consumers on an annual
basis. Scrap metal is a fungible commodity traded world-wide, and prices
fluctuate very much like the stock exchange, and vary from week to week and
frequently day to day according to local conditions.

While we fully recognize that reasonable care is required, a monolithic and

inflexible "due-diligence" process that fails to adequately recognize the nature of the transaction underlying the manner in which those secondary metals are purchased and sold could diminish the ability to recycle those materials without affording a corresponding environmental benefit sought by the EPA. In that case, both the industry and the environment would be the ultimate losers.

An example of the concern that I address above can be found in the question posed in the Federal Register notice relating to whether and under what conditions site visits might be necessary. The question -- and its answer -- may potentially create a greater obstacle than the Act anticipates.

We do not believe an objective determination as to when a site visit is required can or should be prescribed in advance. Rather, the determination as to whether a site visit is necessary or appropriate should be made by the seller depending upon the facts and circumstances of the particular transaction underlying such determination.

We look forward to the meeting on July 17, and hope that we can begin a dialog on the reasonable care provisions.

Sincerely,

COMMERCIAL METALS COMPANY
Secondary Metals Processing Division

Kelly Nash
Environmental Manager